

REMARKS

In the Examiner's Comment and Reasons for Allowance, the Examiner stated that the applicants are now required to submit a substitute oath to correct the deficiencies set forth in the Action mailed February 6, 2006. The Examiner finds the declaration filed April 11, 2002 deficient for two reasons. The first alleged deficiency is that the date of all signatures of all the inventors on the declaration filed April 11, 2002 is January 30, 2002, which differs from the date of the filing of the "original," unexecuted declaration, which is January 23, 2002. The second alleged deficiency is that the "original" declaration filed January 23, 2002 referenced PCT/IL01/00471, which was omitted from the declaration filed April 11, 2002. Applicants respectfully traverse both reasons for finding the declaration filed April 11, 2002 deficient.

As an initial matter, applicants find no support for the Examiner giving legal effect to the unexecuted declaration filed January 23, 2002. The Examiner has not provided any reasons for calling that unexecuted document the "original" declaration. This is not a case of defective execution; there was no execution at all.

Regarding the issue that the date of the signatures of the inventors on the declaration filed April 11, 2002 is January 30, 2002, which differs from the date of the filing of the "original," unexecuted declaration, applicants are also at a loss to understand the basis for this alleged deficiency. Applicants routinely submit valid declarations after the filing date of an application - in full compliance with statutes and Patent Office Rules - and those declarations contain the date an applicant executes the declaration, which is not necessarily the filing date. There is no requirement that applicants are aware of that requires the date of an executed declaration to match either the filing date of an application or the date of an unexecuted declaration. Thus, the Examiner should withdraw this reason for finding the executed declaration filed April 11, 2002 deficient.

On the second issue that the "original" declaration filed January 23, 2002 referenced PCT/IL01/00471, which was omitted from the executed declaration filed April 11, 2002, applicants

respectfully traverse this deficiency by submission of the attached Supplemental Application Data Sheet (ADS). Supplemental Application Data Sheets may be subsequently supplied prior to payment of the issue fee to either correct or update information in a previously submitted ADS, or an oath or declaration under 37 CFR 1.63 or 1.67. *See* MPEP 601.05. Here, applicants submit the attached Supplemental ADS to include the reference to PCT/IL01/00471, which was omitted from the executed declaration, filed April 11, 2002. Applicants also invite the Examiner's attention to page 3 of the Filing Form dated January 23, 2002, a copy of which is also attached, which requested the Office to amend the specification to include a reference stating that the instant application was a continuation of PCT/IL01/00471.

In view of the above the requirement for a substitute oath or declaration should be withdrawn.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 546202000100.

Respectfully submitted,

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Attachments